

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

8:09CV77

Plaintiff,

V.

MEMORANDUM AND ORDER

NEBRASKA DEPARTMENT OF
HUMAN SERVICES,

Defendant.

This matter is before the court on its own motion. On May 18, 2009, the court conducted an initial review of Plaintiff's Complaint and found that it failed to state a claim upon which relief may be granted. (Filing No. 6.) The court granted Plaintiff leave to amend, but warned Plaintiff that if he failed to amend his Complaint by June 18, 2009, "this case will be dismissed without further notice." (*Id.* at CM/ECF p. 6.) Plaintiff has not filed an amended complaint.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

July 1, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge